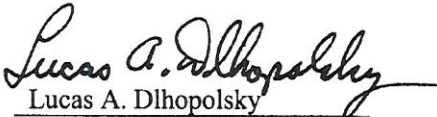
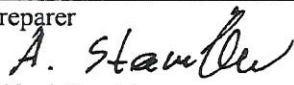


USCG CATEGORICAL EXCLUSION DETERMINATION
FOR
INTERIM RULE WITH REQUEST FOR COMMENT - SAFETY ZONE - ROUTE 107/FOX HILL BRIDGE
SAUGUS RIVER - LYNN, MASSACHUSETTS
DECEMBER 14, 2008 THROUGH MAY 15, 2009


The Coast Guard Captain of the Port Sector Boston will establish a temporary safety zone on the waters of the Saugus River in connection with repairs to the Route 107/Fox Hill drawbridge. This safety zone which will be effective from midnight on December 14, 2008 through midnight on May 15, 2009 is necessary in order to provide for the safety of life and property of mariners and marine construction workers in the vicinity of the bridge repair project. This rulemaking provides authority for the Coast Guard to restrict vessel movement or presence within the regulated area. The purpose of this action is to minimize the potential for maritime incidents that could result in personal injury, property damage, and adverse impacts on the human and marine environment due to the activity described above. Commercial vessels that dock upstream of the bridge will be provided temporary docking space on the downstream side; and passage under the bridge to the upstream side will be scheduled on six occasions during the work period. These accommodations are expected to mitigate the navigational logistical difficulties presented by the bridge repair project to the extent feasible.

Establishment of this temporary safety zone is not expected to result in any significant adverse environmental impacts as described in the National Environmental Policy Act of 1969 (NEPA). This action has been thoroughly reviewed by the USCG and the undersigned have determined it to be categorically excluded, under current USCG 34 (g), from further environmental documentation, in accordance with Section 2.B.2. and Figure 2-1 of the NEPA Implementing Procedures and Policy for Considering Environmental Impacts (COMDTINST M16475.1D and DHS Directive 5100.1), since implementation of this action will not result in any:

1. Significant cumulative impacts on the human environment;
2. Substantial controversy or substantial change to existing environmental conditions;
3. Significant impacts on eligible or listed historic properties as determined through compliance with Section 106 of the National Historic Preservation Act;
4. Inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment.

12/5/2008	 Lucas A. Dlhopsky	Environmental Protection Specialist CEU Providence
Date	Preparer	Title/Position
12/5/2008	 Alfred Stambler	Environmental Engineer CEU Providence
Date	Environmental Reviewer	Title/Position

In reaching my decision/recommendation on the USCG's planned action, I have considered the information contained in this environmental analyses on the potential for environmental impacts.

10 DEC 09	 Responsible Official	Captain of the Port, Sector Boston Title/Position
Date		

ENVIRONMENTAL ANALYSIS CHECKLIST

Ref: USCG COMDTINST M16475.1D Agency NEPA Implementing Procedures		
1.	Name: (Action Description) Interim Rule with request for comments.	Docket No. USCG-2008-1026
	Related Event Names: Route 107/Fox Hill Bridge repair work.	
	Date(s)/Rain Date(s)	December 14, 2008 through May 15, 2009.
	Time	Midnight on December 14 th to midnight on May 15 th .
	Sponsor	Massachusetts Highway Department
	Marine Event Permit	<input type="checkbox"/>
	Interim rule with request for comments.	<input checked="" type="checkbox"/>
	Temporary Final Rule (TFR)	<input type="checkbox"/>
	Notice of Proposed Rulemaking (NPRM)	<input type="checkbox"/>
	To Establish:	
	Safety Zone	<input checked="" type="checkbox"/>
	Security Zone	<input type="checkbox"/>
	Special Local Regulation	<input type="checkbox"/>
	Regulated Navigational Area	<input type="checkbox"/>
	Other:	<input type="checkbox"/>
	Is this action in the past?	NO
2.	Location	
	Waterway	Saugus River
	Nearest City or Town	Lynn, Massachusetts
	Address	Fox Hill Bridge carrying Route 107 over the Saugus River.
3.	Type of Activity	
	Sailboat Race	<input type="checkbox"/>
	Powerboat Race	<input type="checkbox"/>
	Fireworks Display	<input type="checkbox"/>
	Shore Based	<input type="checkbox"/>
	Barge Based	<input type="checkbox"/>
	Air Show	<input type="checkbox"/>
	Other:	<input checked="" type="checkbox"/> Bridge repair.
4.	Types of vessels involved	
	Barge and Tow Vessels	<input checked="" type="checkbox"/> Floating marine crane.
	Spectator Vessels	<input type="checkbox"/>
	Participating Vessels:	<input type="checkbox"/>
	Other Vessels that routinely pass through the bridge draw.	<input checked="" type="checkbox"/> Commercial fishing (lobster) and recreational vessels up stream of the bascule drawbridge.

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5.	Restrictions on Navigation		
	Establishment of safety or security zone	<input checked="" type="checkbox"/>	Safety Zone.
	Time constraint during event	<input checked="" type="checkbox"/>	Five to six month construction period.
	Notification to mariners via radio, etc.	<input checked="" type="checkbox"/>	Local Notice to Mariners and Broadcast Notice To Mariners
	Alternate route available?	<input checked="" type="checkbox"/>	Fishing vessels up stream of the bridge will be given alternate mooring and docking space downstream of the bridge.
	Other Limited bridge channel access.	<input checked="" type="checkbox"/>	Six scheduled passage opportunities will be arranged by the bridge owner during the work period.
6.	Other Agencies Involvement		
	None	<input type="checkbox"/>	
	Federal	<input type="checkbox"/>	
	State	<input checked="" type="checkbox"/>	Massachusetts Highway Department.
	Local	<input type="checkbox"/>	
7.	Assessment of Impacts on the Environment		Remarks
	<p>Note: The term "regulated area" below includes safety zones, security zones, regulated navigation areas, special local regulations or a combination of any of these actions as well as anchorage actions. This analysis relates to a temporary Safety Zone.</p>		
a.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area directly or indirectly affect a public park, recreational area, wildlife or water fowl refuge or similarly designated shore or near shore area? If yes, explain under remarks.	NO	
b.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area affect any <u>waterway location</u> designated as a marine sanctuary, critical habitat or other similar federal, state or local designation? If yes, explain under remarks.	NO	The nearest State designated Area of Critical Environmental Concern (ACEC) to the subject activity would be the Rumney Marshes which are situated at several locations on the north shore above Boston including the vicinity of Route 107 in Lynn, MA. However, establishment of this safety zone would have no foreseeable affects on this resource.
c.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area potentially impact any known threatened or endangered plant or animal species, or their suitable habitat <u>currently present</u> within or proximate to the activity/area? (e.g. piping plovers w/i ¼ mile of a fireworks launch site.) [ESA] If yes, explain under remarks.	NO	
d.	Is the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area within or proximate to a location where there is	NO	Lists provided by the U.S. Fish & Wildlife Service show no areas near the

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	a record or history of the presence of endangered or threatened plant or animal species? (e.g. piping plovers w/i ¼ mile of a fireworks launch site.) [ESA] If yes, explain under remarks.		location of this safety zone that have a history of use by endangered or threatened species including piping plover, roseate terns and puritan or northeastern beach tiger beetles.
e.	Is the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area located within the range of any known, threatened or endangered species? [ESA] If yes, explain under remarks.	NO	See 7.d. above.
f.	Will spectators gather in or near an environmentally sensitive area <input type="checkbox"/> to view the event/activity or <input checked="" type="checkbox"/> as the result of a regulated area? If yes, will their presence create potential to adversely affect the sensitive environment? If yes, explain under remarks.	N/A	
g.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area adversely impact fish and other aquatic life or designated Essential Fish Habitat for these species? [FWCA/Magnuson-Stevens Act]? If yes, explain under remarks.	NO	
h.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area have any impacts on marine mammals including seals, dolphins and whales? [MMPA] If yes, explain under remarks.	NO	
i.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area impact wetlands or any marine/aquatic vegetation? [Wetlands Executive Order 11990] If yes, explain under remarks.	NO	The safety zone is intended to reduce the potential for marine mishaps involving transiting vessels or bridge construction equipment. Such mishaps could result in release of hazardous materials that would likely cause adverse effects to nearby salt marsh wetlands in the Rumney Marsh.
j.	Does the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area have the potential to cause direct or indirect effects on historic properties or cultural resources of national, state or local significance? [Section 106 NHPA and E.O. 11593] If yes, explain under remarks.	NO	
k.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area directly or indirectly cause adverse effects on the ambient air quality due to dust and emissions? [CAA] If yes, explain under remarks.	NO	
l.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area lead to an increase in the ambient noise level of the area? (If yes, explain if this increase will be short or long term.) [Noise Control Act]	NO	
m.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area cause a significant increase in the population of the community, either temporary or	NO	Several lobster boats will be temporarily accommodated at docks downstream of the bridge. While more than the usual

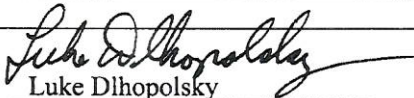
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	permanent? [Economic Impact] If yes, explain under remarks.		number of boats will occupy this location, it is not considered to be a significant increase, even on a temporary basis.
n.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area have a significant effect on the economic interests of the area? If yes, explain under remarks.	NO	Advance notification of the closure of the navigable channel through the bridge will be made via an assortment of methods including broadcast notice to mariners. In addition, fishing vessels that normally dock upstream of the bridge will be provided accommodations downstream of the bridge while passage under the bridge is restricted. Furthermore, the bridge owner will schedule six occasions when work equipment will be moved so that vessel operators will be afforded the opportunity to pass under the closed bascule bridge.
o.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area involve an increase in waterway traffic? If yes, will this increase be short or long term? If yes will vessel speeds exceed 5 knots? [NMFS consult criteria.] If yes, explain under remarks.	NO	
p.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area prevent the public and mariners from accessing potentially hazardous areas? [Public Safety] If yes, explain under remarks.	YES	The intended purpose of the regulation is to provide for the safety of navigation in the vicinity of heavy marine construction equipment and activity.
q.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area introduce a significant possibility of accidental spills of oils, hazardous or toxic materials, or other impacts on water quality? [FWPCA] If yes, explain under remarks.	NO	Establishment of the regulated area is intended to prevent or avoid marine mishaps that could lead to release of substances adverse to water quality.
r.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area have reasonably foreseeable effects on any coastal use or resource of a State with an approved CZM Program? [CZMA] If yes, explain under remarks.	YES	The safety zone will restrict mariner passage through the involved bridge over the Saugus River for about five to six months. However, the MA State Highway Department has determined that this work is essential to the needs of the public and it is necessary to place construction equipment under the bridge in order to carry out the work. State thresholds for federal consistency determinations will not be exceeded during this project.
s.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area result in restriction of waterway and/or near shore uses, will such restriction affect a limited area for a short duration? [CZMA] Explain under remarks.	YES	This restriction will be short term lasting for an expected five to six months and is limited to within 50 yards on the upstream side of the bridge.
t.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area	NO	

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	have reasonably foreseeable effects on a designated wild, scenic or recreational river pursuant to the "Wild and Scenic Rivers Act?" If yes, explain under remarks.		
u.	Will the <input type="checkbox"/> event/activity or <input checked="" type="checkbox"/> regulated area have any other environmental impacts not discussed above? If yes, explain under remarks.	NO	
8.	Consultation Checklist ^(a)		
	Has this activity been appropriately coordinated with Federal, State and local agencies (E.O. 12372)?	YES	This Interim rule with request for comments will be published in the Federal Register for public review. The State Highway Department is directly involved in the project as the owner of the bridge.
	• State Department of Environmental Conservation	<input type="checkbox"/>	
	• U. S. Fish and Wildlife Service	<input type="checkbox"/>	
	• National Marine Fisheries Service	<input type="checkbox"/>	
	• City/Town Department of Conservation	<input type="checkbox"/>	
	• Coastal Zone Management	<input type="checkbox"/>	
	Will formal consultation under ESA be required?	NO	
	Has U.S. Fish and Wildlife Service and state fish and wildlife agencies determined that there are not likely to be adverse impacts to any marshland, wetlands and/or wildlife associated with the area where the activity will occur?	N/A	
9.	Actions to Mitigate Adverse Effects		
	•	<input checked="" type="checkbox"/>	Information about the waterway restriction will be made available to the marine community via such methods as the Local Notice to Mariners so that appropriate measures can be taken to avoid delays and inconvenience. Also, commercial fishing vessels are being relocated downstream of the bridge so they can continue their operations; and passage under the bridge to the upstream side will be scheduled on six occasions during the bridge repair work time frame.
	Permit Actions:		
	• Spectator Management Plan	<input type="checkbox"/>	
	• Exceeds ¾ mile distance	<input type="checkbox"/>	
	• Exceeds ½ mile distance	<input type="checkbox"/>	
	• Other:	<input type="checkbox"/>	

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	Can this action be characterized under one or more of the Coast Guard or DHS NEPA Categorical Exclusions? [Note re: permit actions: In order to use an applicable Catex, any mitigation measures must be incorporated as part of the permit application not as conditions of the permit.]	YES	<input type="checkbox"/> 35 (a) Marine Event non-sensitive area. _____ <input type="checkbox"/> 35 (b) Marine Event sensitive area with mitigation. _____ <input type="checkbox"/> 34 (f) Anchorages _____ <input checked="" type="checkbox"/> 34 (g) Safety, Security Zones, RNAs <u>Safety Zone</u> <input type="checkbox"/> 34 (h) Special Local Regulations _____ <input type="checkbox"/> An Environmental Assessment is needed. _____ <input type="checkbox"/> _____
	Do any of the restrictions on use of Coast Guard or DHS categorical exclusions apply to the subject action? (USCG COMDTINST 16475.1D § 2.B.2.b and DHS MD 5100.1)	NO	
10.	Outstanding Issues to be Resolved		
	None.		
11.	Footnotes		
(a)	List the environmental regulatory agencies consulted (by the event sponsor or the Coast Guard) to determine if the proposed regulation will adversely effect the involved sensitive environmental area(s). Attach copies of telephone conversation records and correspondence with such agencies.	N/A	
12/5/2008 Date	 Luke Dhopolsky Preparer	Environmental Protection Specialist, CEU Providence Title/Position	